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CHANGE IN CHINA

A PART OF A DISSERTATION SUBMITTED TO
THE FACULTY OF THE DIVISION OF THE
SOCIAL SCIENCES IN CANDIDACY FOR THE
DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF SOCIOLOGY

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CRIME IN RELATION TO SOCIAL CHANGE IN CHINA¹

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ABSTRACT

In the old Chinese society, individuals were confronted with very powerful traditions, which determined behavior to the minutest detail, and were assured of swift punishment in case of nonconformity. Consequently crime, in the Western sense, was not a serious problem. But recently China's social equilibrium has been so disturbed by the Western influence that the old rules are no longer effective. The result has been a destruction of the old social institutions; different types of crimes have developed and increased along with other social problems. An analysis of the available material suggests that crime in China has been intimately involved with three distinctive aspects of social change. These three aspects are: (1) crime as conflict between law and the mores; (2) crime as the only practical way of making a living; (3) crime as a positive reaction to the failure of social control and as a response to social disorganization.

The study of crime in relation to social change in China is of peculiar interest to the sociologist. Social change in China has been very rapid, and its effects are therefore seen more vividly than in other countries where change has been less rapid. A criminal in China usually has experienced both the old and the new situation within his own lifetime, while in other countries the same change may be spread over several generations, so that the contrasts and conflicts between the cultures are not so sharp.

The aim of this study of crime in relation to social change is to attempt to answer two questions: first, why there was little crime in the Western sense in the earlier period in China; second, why and how crime has developed while China is trying to adopt the culture of the Western nations. The general thesis is that crime is a very significant, if not the most significant, manifestation of the disorganization in China following upon contact with the West, and that it serves as an index to the maladjustment of different aspects of Chinese society during a period of rapid transformation.

¹ This article contains the essential portions of a dissertation which is filed in the library of the University of Chicago. It is based principally upon statistical materials and case records secured by the author, while he studied and taught at Yenching University in 1927-29 and conducted a crime survey under the auspices of the National Research Institute of Social Science, *Academia Sinica*, in 1929-30.

The relations of men to one another were not so formally codified by law and government in China as in the West but were regulated by extralegal, unofficial, yet well established, traditions. Confucius, whose teachings have formulated the Chinese behavior patterns to an overwhelming extent, advocated about 500 B.C.: "Guide the people by law, even them by punishment; they may shun crime, but will lack shame. Guide them by virtue, even them by *li* (mores or equity), and they will develop a moral sense and become good." This cardinal principle of control of behavior has been followed by the Chinese for about 2,500 years. It was upon *li* that Chinese institutions were founded, by *li* that they functioned, and through *li* that they held firm.

The family in China was not only the real unit of government—for it had full control of the most important human relationship—but it was also the heart of Chinese society. All values were determined according to their effect upon the welfare of the family—not upon the welfare of the state, of which the Chinese masses could hardly conceive. Even the highest official of the state, no matter how heavy his responsibilities nor how distant from his home, returned to his native city to observe a three-year period of mourning upon the death of either of his parents. Otherwise, he was considered an unfaithful son and therefore could no longer be a good official.

Moreover, the Chinese family organization served as a form of social insurance for its members. The collective resources of the family always stood behind any individual. If there was suffering for the family, all suffered collectively. This, obviously, tended to result in submission of the individual to the will of the group.

In ancestor worship, the ceremonialized consciousness of the unity of time and the concept of the continuity of the family were blended. The existing generation was but a link between the immemorial past and the innumerable generations of the future. The ancestor worship ceremony, the wedding, and the funeral were dramatic representations of the family status in the community, and as such served to arouse and reawaken the concept of self-respect and group solidarity.

As the family was the central institution in the village, so the guild was the form of economic organization and control in the small

city or town. Like its medieval European counterpart, it was an association of all those engaged in the same occupation within the community. The welfare of the members was well taken care of by their own guild in accordance with age-long tradition, which all of them took as a matter of course. The guild was the highest authority for settling disputes among the members and disciplining those who violated its traditions.

Besides the family and the guild, the old education and the æsthetic arts were also effective means, not only of transmitting the ancient ideologies, but also of reinforcing the prestige of the past. Statuary, architecture, painting, calligraphy, the tale, the proverb, and classical teaching, each with its moral and ethical implications, suggested definite common behavior patterns for the people to follow.

Thus, the individual living in old China had his interests sharply defined in reference to the larger aims of the group of which he was a member and hardly seemed to exist as an independent personality. Custom and tradition, as Thomas says, "defined the situation" and imposed a rigid discipline on all who participated in the common life. The masses were totally unaware of the existence of these traditions as controlling forces, for the traditions were firmly interwoven with reference to all aspects of life and involved no fundamental conflicts.

When infractions of the folkways and mores occurred, which were seldom, the collective sentiments of the community were aroused. The restoration of the normal equilibrium by appeal to penal sanctions was demanded. These penal sanctions were applied immediately after the offense and were collective, in the sense that the whole community took part. This collective ceremonial of penal sanctions acted powerfully to reinforce the traditions and to strengthen the group solidarity.

Almost the only individuals upon whom these traditions and penal sanctions were ineffective were the bandits and professional thieves who had escaped from the village and family life. It was hard to find a criminal living with the people, and it was still harder to leave undiscovered and unpunished. To have crimes committed repeatedly, and to have criminals live in the community and escape punishment, and to regard observance of some of the traditions as crimes

are entirely new in China. These date from the contact with the West. But how has the Western civilization influenced the traditional Chinese way of living?

The introduction of the Western technological system and the Western ideology of national democracy, together with other elements, has produced a growing participation of the peasant in nation-wide and even world-wide social and economic activities. It is not an exaggeration to say that there have been more profound changes in China in the last twenty years than in any previous century in its history. Politically, China's continuous defeats by Western nations in the various wars have made her conscious of national solidarity and anxious to adopt the Western political organization. Democracy was the key-word of the Chinese revolution of 1911, and militarism has been worshiped ever since the demonstration of Western military strength in China. On the other hand, the introduction of Western technology in the form of manufactured goods has inevitably, although many of the people have not realized it, crushed the old Chinese handicraft industry, made possible the growth of modern cities, and transformed the primary, self-sufficient group into a national organization based upon more or less impersonal competitive co-operation. These changes destroyed the traditional way of living, and the sacred *li*, which molded the Chinese behavior for thousands of years, has started to disintegrate.

Furthermore, the recent changes are abrupt and unexpected. Some parts of Chinese culture have changed more rapidly than others. The rate of change has varied also in different localities. It is much more rapid in cities than in villages, and in places where facilities for communication are developed than in places where they are not developed. Since there is an interrelationship and interdependence of different parts of a culture, a rapid change in one part, unless accompanied by similar changes in the correlated parts, produces maladjustment and social disorganization. Crime develops and increases along with numerous other social problems.

But is crime in China different from that in America? What types of crime does China have? Do all types of crime increase in China? These questions can be answered only by presenting criminal statistics. But criminal statistics, like other Western products, are a

recent importation into China. On account of the inadequate experience and training of "experts," and the incorrectness of the material sent in by the prisons and other institutions, the official criminal statistics are ambiguous and inaccurate so that they are completely useless for sociological analysis.

Certain statistics, collected and compiled from records of the prisons of twelve provinces, during two trips in 1928 and 1930, justify some general conclusions with regard to crime in China. For example, in Peiping, Tsinan and Shanghai (Chinese section only) male prisoners increased markedly, female prisoners not at all. A detailed analysis of the data regarding male criminals in Peiping reveals that crimes of misappropriation and theft increased tremendously, fraud slightly less so, while assault and sexual immorality remained nearly constant. In other words, during recent years in Peiping economic crimes increased very rapidly, while crimes of violence and sexual immorality remained nearly constant. The increase of male prisoners is due to rapid increase of economic crimes among men.

The data collected from twenty different cities with reference to the types of crime committed show that 38 per cent of the male criminals have been convicted of theft, 20 per cent of the sale and use of opium and other drugs. These two types of crime make up 58 per cent of the total. It is interesting to notice that while drunkenness is the chief crime in both England and the United States,² it is of no significance whatsoever in China, where opium and drugs are a major problem. While theft is the dominant crime in China, it has not such an important rôle in either the American or the English criminal world. If we add together all economic crimes in Peiping in order to compare with others, we find that the crimes mainly economic in character amount to 82.8 per cent of the total; 2.93 per cent of the prisoners are convicted of sexual crimes, and 14.2 per cent of crimes of violence and others.

Among the female criminals in the prisons of twenty cities studied the largest number are committed for opium and other drug law violation (29.2 per cent), and the second largest number (28.6 per cent) are those convicted of abduction and kidnapping (procuring

² See Hobhouse and Brockway, *English Prisons Today* (London, 1922), and *Prisons*, 1923, Bureau of Census (Washington, 1926).

in the Western sense).³ These two kinds of crime equal 57.8 per cent of the total crimes among the women criminals. In Peiping 23.8 per cent of the convictions are for abduction, 19.4 per cent for kidnapping, 13.6 per cent for sexual immorality. Thus 69 per cent of the female prisoners are convicted of economic crimes.

While male criminals in America traditionally have a monopoly of the crime of procuring, in China during recent years women have taken the initiative in conducting this criminal business. What is more astonishing, many widows are convicted of abduction. In Peiping, 119 out of 294 women convicted of abduction are widows. Inasmuch as Chinese custom frowns upon remarriage of widows, and there are practically no means of self-support open to them in the city (in the village they were supported by the large family, which disappears in the city), such women are practically compelled to turn to crime in order to gain the barest necessities of life. One cannot but be amazed to discover that over 71 per cent of the widowed women convicted of abduction are over fifty years of age, which is considered a very old age in China. Almost 60 per cent of those convicted of kidnapping are above this age. Only 20 per cent of the women who are still in the marital state are convicted of abduction at so late an age.

In the United States, juvenile delinquency plays an alarming rôle in the field of criminality, but in the Chinese cities it is not a problem, except perhaps in Shanghai, which follows the Western industrial and commercial city pattern. The boys' gang life, which is an indispensable feature of the behavior of juvenile delinquents in America, is practically non-existent even in Shanghai, where, however, "wild boys," whose parents are much engaged with their work and have no time to take care of their children, have developed. But these "wild boys" are not organized. No reformatory is to be found throughout the length and breadth of the whole country except a semi-official institution in Peiping founded by former Prime Minister Hsi-ling Hsung after the American inspiration but closed

³ According to the Chinese criminal law "whoever by violence, threats, or fraud, allures or takes away female persons, or any male person under twenty years of age, commits abduction," and "whoever commits abduction without violence, threats, or fraud, is guilty of kidnapping," and "whoever kidnaps any person under sixteen years of age shall be deemed to have committed abduction."

in the spring of 1929 because of the lack of both funds and inmates. The courts of Peiping city did not send a single delinquent to the reformatory for two years before its closing.

In order to find an adequate explanation of the absence of juvenile delinquency in China one has to go back to the deeply rooted age-long tradition of filial piety, which is the living expression of the central law of the family system—ancestor worship. Obedience to his parents is regarded as the highest virtue a person can possess. In every-day Chinese home life the degree of obedience which is expected by parents, and unquestionably given by children, even long after maturity, is one of the aspects of life in China which Westerners find most difficult to understand.

The impact of Western culture patterns disturbs the life of the male adults first because they participate most actively in the new social life. Adult females are generally confined to family affairs and consequently are not so sensitive to the recent social changes as the adult males. The children, with the exception of those receiving a modern education, are naturally still subjected to the molding influence of age-long tradition and are least affected.

On the other hand, China resembles some of the Western nations in the relative absence of crime in rural communities. Only two cases of theft had occurred during the years 1927 and 1928 in Shan Chia Tien, a village of about 4,000 population situated about 25 miles west of Peiping. These two thieves were strangers in the village and came in the autumn to steal crops. One was caught before he could get anything. He was reprimanded by the village elders and set free immediately. The other had done some damage to the crops before he was caught. The elders decided that he should walk through the village street with a notice on his back declaring him to be a thief. When he had thus subjected himself to the scorn of the village, he was sent away with a warning that if he came back he would be punished severely. The elders reported that they could recall no serious crime in their village during their lifetime and remarked: "It is bad to have had two thieves within two years." The elders explained these two cases thus, "You see, now-a-days, there are so many strangers that come into our village that there have been lots of disturbances. Naturally bad persons come in and do damage to the

community. You cannot tell who is good and who is bad, because they are all strangers."

What are the effects of the recent social changes upon crime in China? An analysis of a large number of cases suggests that crime in China has been intimately involved with three distinctive aspects of social change. First, crime in China reveals the conflict between the old tradition and the new law. The legal conception of crime has changed much more rapidly than the traditions. Tradition laid great emphasis upon the family as a solidary group, and any action that helped to strengthen the family was praised and encouraged. Therefore bigamy, for the man, was permitted since it was an aid to family continuation. To murder one's father's enemy was a vivid expression of filial piety. It helped to strengthen family solidarity. The same was true of the murder of a wife and her lover. Theft and assault within the large family was not a criminal act. It was rather a violation of obedience to the elders.

Old China had very little law. New China is following the Western pattern and passing many laws as quickly as possible. The new criminal law has the ideal of strengthening national solidarity instead of family solidarity, and of raising the position of women to an equal level with that of men. These ideals have been advocated by the leaders of the government for the purpose of producing rapid reforms after the Western model. Thus, when crime is defined from the standpoint of the national state as a solidary group, the individual is not supposed to limit his allegiance to any group narrower than this. Therefore bigamy and the murder of the father's enemy are crimes in the eyes of the new law in spite of the fact that they are still in accordance with *li*. Professor Park, after his second trip to China, clearly explained the difference between law and mores by pointing out that law stands for *consistency* and *logic* in the Western sense, while the Chinese *li* administered *justice* by following the custom of time and place and taking special situations into consideration.

On the other hand, when traditions are so deeply and extensively involved with the social life and when law is against such traditions, the violations of law are too numerous to be considered as crimes. For example, when the Chinese government introduced the Western

calendar in place of the lunar calendar with a threat of punishment in case of resistance, the masses continued to follow the old custom, because the lunar calendar was a link in the whole social, economic, and religious system of China and could not be changed overnight. The law could not produce the desired effect. The opium law has suffered a similar fate, for the custom of smoking and using opium and other drugs, somewhat like the liquor problem in America, is deeply rooted among the masses.

Some crimes have definite social functions in spite of the fact that they are "antisocial" from the legal point of view. If there were no market for prostitutes, prostitution could not exist. Gambling houses could never open if there were not enough gamblers to support them. The life of bandits is not very different from the life of the army—the "official bandits" as they are called by the people—or of the farmer who shifts from farming to banditry and from banditry to communism and then to farming again. Accordingly, the line of demarcation between the legal and the illegal is very uncertain. A crime is often merely a different aspect of a situation.

Second, crimes in China are to a large extent the only practical way of satisfying fundamental desires. Most crimes in China, as has been shown, are economic in character. Poor old widows become procurers; poor young girls become prostitutes; poor men become thieves. Many major social crises have been produced by the new economic organization, war, famine, political changes, and urbanization. These social crises in turn produced many personal crises in the form of deprivation of the means of subsistence. When, after the revolution, the Manchu hats were no longer sold, the hat-maker was without an occupation and could find no other occupation. Theft was his only alternative. The Manchu nobles, having lost their royal income, had no occupational training, and resorted to theft as the only means of livelihood. Having been compelled by war, famine, and Western technology to leave their land, many farmers became bandits and robbers. In such situations crime was the only alternative because the family and the guild no longer acted as protective agencies in the city, and no new philanthropic institutions had been developed to meet the new needs.

Third, some crimes can be viewed as an indication of a positive

reaction to the failure of traditional control and as a response to the existing situation of disorganization. During the process of rapid change a new situation initiates new desires, and new attitudes develop. These cannot be adequately expressed in the old social organization and consequently cannot be controlled by the latter. Many adolescents defy the old rigid standards of morality and demand a new sexual life which leads to the crime of sexual immorality. Professional thieves justify their conduct by formulating their own philosophy that law is only a tool with which the rich and the powerful protect their property which was secured by graft and robbery. Bandits organized themselves in order to "execute the will of God by killing the wicked rich and saving the honest poor." They fight against soldiers not as soldiers but as "official bandits."

Organized crime, also, has changed its character in response to the changing situation. Formerly, the criminal organization was a secret society which functioned as a social agency to take care of the non-conformers of the villages. At present it sets up headquarters in the city and sends its members all over the community to conduct its own criminal business of controlling the opium traffic, gambling, prostitution, and to associate with politics for protection and development of its business. Thus, the criminal organization finds a new function in society and adjusts itself to meet the changing needs.

Chinese students have earlier and better opportunities for apprehending Western ideals by means of modern education and Christianity than many other groups. In school the old ideals of social relationships are somewhat neglected, while a new type of ideal is introduced. Students are taught to be loyal to the nation instead of the family, to abandon superstition instead of strengthening old religious ideas, and to practice democracy instead of submitting to parental and school authority. Many students have gone so far as to defy all the old traditions and become radical agitators and revolutionists, and a great deal of political crime results in the effort to attain a new social order.

Indeed, communists are most highly organized persons, although in the eyes of the law they are the worst criminals. They attempt to overthrow the existing order in face of the threat of a death punishment. When they are taken to be executed, they shout: "We die

for the sake of communism!" This indicates they dwell in another cultural realm which is indorsed by the powerful group of workers and peasants with whom they identify themselves. They try by every possible means to abolish tradition and to open a way to a general and permanent satisfaction of those needs which cannot be freely fulfilled while old tradition lasts. Such a phenomenon occurs only when and where different parts of a culture are so badly dislocated that the public begins to be conscious of disintegration and demands reorganization and reconstruction. This crime is a response to the unrest and instability of society. It indicates that the pressure of the old system has become intolerable, and it releases the forces of the new order. Revolt is natural among the people who demand either the values which they have lost during the disturbance of the old equilibrium or new values which they cannot have under the traditional system. When a revolution succeeds, the old type of political crime ceases to be a crime, and a new type of tradition is set up. A great Chinese historian, Shih Ma-ch'ien, about 2,000 years ago stated: "When you steal a pin, you are executed; but if you steal a country, you become a king. Within the reach of your kingdom virtue and morality prevail."

In conclusion, this study suggests that crime has a character of its own. It varies with the changing situation. What crime is, is not determined by the nature of things but by custom and by law. The same behavior acquires different meanings in a society at different times. Crime is not a thing apart from society. It is deeply involved in the culture from which it develops. It is an indication of, and a response to, social disorganization. It is as complex as culture itself. It is inextricably interwoven with the general process of social change.

